

REMARKS

As a preliminary matter, Applicants wish to thank the Examiner and his supervisor for participating in an interview with Applicants' representatives to discuss the Office Action.

In the Office Action dated April 9, 2002, the Examiner objected to the Abstract for failure to describe the invention as claimed. Applicants submit a substitute Abstract. Further, the Examiner also objected to Figures 1-5 for failure to designate these figures as --Prior Art--. Applicants submit proposed drawing corrections as to Figures 1, 2A, 2B, 3, 4A, and 5. Applicants respectfully note, however, that Figure 4B illustrates that which is new; therefore, a drawing correction is unnecessary for this Figure.

Claims 1-104 are pending in the application. In the outstanding Office Action, the Examiner rejected claims 1-104 under 35 U.S.C. § 112, ¶2, as being indefinite, and further, rejected claims 1-104 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,667,078 to Wallach ("Wallach"), U.S. Patent No. 5,249,687 to Rosenbaum et al. ("Rosenbaum"), and/or admitted prior art. Applicants traverse these rejections for the following reasons.

§ 112 Rejections

With respect to the rejections under 35 U.S.C. § 112, ¶2, the Examiner asserts that "the independent method and apparatus claims all recite conditional method steps and constructional elements, respectively." Office Action, p. 3. The Examiner further asserts that, because of this, the "claims do not stay constant in time," and as such, are indefinite. Id. Applicants respectfully disagree with this assertion.

Applicants assert that the claims are constant with time. Rather than the existence of the method steps and constructional elements being conditional, it is

merely their activity that is conditional. Regardless of condition, the steps and elements of the claims exist.

For example, with respect to independent claim 9, this claim recites, among other things, a system having a front code sorting component, an identifying component, and an identification code system sorting component, wherein the identification code system sorting component further includes an identification code applying component, a postal code applying component, and a creating component. Under the Examiner's interpretation, the existence of any given component depends on a particular condition being met. This interpretation is in error. In claim 9, the existence of each of these components is present at all times. Only the operation of the component is conditional. For example, the front code sorting component will operate "to sort the mailpiece using a code on the front of the mailpiece, if there is a code on the front of the mailpiece." If there is not a code on the front of the mailpiece, the system will still include a front code sorting component. Therefore, the existence of the components is not conditional and the claims are thus constant. This position is clear throughout Applicants' specification. Claims should be interpreted consistent to the meaning provided by the Applicants. *In re Zletz*, 893 F.2d 319, 13 USPQ2d 1320 (Fed. Cir. 1989).

Although this example pertains to system claims, Applicants assert that the steps of the method claims and the modules of computer-readable medium claims are similarly situated. Applicants therefore respectfully submit that the § 112 rejections of claims 1-104 are overcome.

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§ 102 Rejections

With respect to the rejections under 35 U.S.C. § 102(b), the Examiner indicated that all of the claims were interpreted as only comprising a single step/element in/by which mail is sorted using a code on the front. Office Action, p. 4. "Nothing after this conditional recitation has been considered, all subsequent recitations having been granted no patentable weight in light of their conditional existence in application." Id. Applicants again disagree.

As discussed above with reference to the § 112 rejections of claims 1-104, Applicants assert that the Examiner misinterpreted the conditionality of the claims. In particular, it is improper for the Examiner to interpret the claims as only comprising a single step/element because the steps and elements exist regardless of the conditions. For example, with respect to claim 9, the Examiner fails to show that Wallach, Rosenbaum, and/or the so-called admitted prior art teach at least a front code sorting component, an identifying component, and an identification code system sorting component, wherein the identification code system sorting component further includes an identification code applying component, a postal code applying component, and a creating component, as recited by claim 9. Therefore, this claim is patentable over each of the cited references. Each of the independent claims similarly recites elements as recited by claim 9; however, the cited references fail to teach each of the recited elements. Independent claims 1, 9, 17, 18, 19, 31, 43, 44, 45, 60, 75, 76, 77, 83, 89, 90, 91, 97, 103, and 104 are patentable for at least this reason. Dependent claims 2-8, 10-16, 20-30, 32-42, 46-59, 61-74, 78-82, 84-88, 92-96, and 98-102 are patentable, at least, by virtue of their dependence from allowable independent claims.

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In view of the foregoing amendments and remarks, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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